

In the Matter of:
Jonathan R., et al.,
vs
JIM JUSTICE, et al.

DANIELLE COX

December 08, 2023



5010 Dempsey Drive
Cross Lanes WV 25313
304-415-1122

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON

JONATHAN R., et al.,

Plaintiffs,

-vs- Case No. 3:19-cv-00710

JIM JUSTICE, in his official capacity as
Governor of West Virginia, et al.,

Defendants.

DEPOSITION OF DANIELLE COX

The deposition of Danielle Cox was
taken on December 8, 2023, at 9:00 a.m.,
at 2116 Kanawha Boulevard, East, Charleston,
West Virginia.

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A P P E A R A N C E S

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1 I N D E X

2 WITNESS

3 Danielle Cox

4 EXAMINATION

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1 DANIELLE COX,
2 called as a witness, first being duly sworn
3 by the Court Reporter/Notary Public,
4 testified as follows, to wit:

5 EXAMINATION

6 BY MR. WALTERS:

7 Q. Good morning, Ms. Cox. My name is
8 Rich Walters. We met earlier. I represent
9 the plaintiffs in the matter against DHHR.

10 Could you please state your name,
11 please?

12 A. Danielle Cox.

13 Q. Ms. Cox, what's your current title?

14 A. Chief information security officer.

15 Q. Where are you currently employed?

16 A. Office of Technology, Department of
17 Admin.

18 Q. For the State of West Virginia?

19 A. Yes.

20 Q. What is your role in that position?

21 A. I am responsible for the integrity,
22 availability and security of state data and
23 systems.

24 Q. How long have you been the chief

1 information officer?

2 A. Since around 2019.

3 Q. What was your position prior to
4 2019?

5 A. Security analyst manager.

6 Q. With the same department?

7 A. Yep.

8 Q. How long have you been with the
9 West Virginia Office of Technology?

10 A. Eleven, 12 years.

11 Q. Walk me through that. What did you
12 start as?

13 A. I started as an analyst, what's
14 called an Information Security Officer I.
15 And then promoted to manager, and then
16 applied for CISO when that became available.

17 Q. And the Information Officer I, what
18 is their role? What do they do?

19 A. You are doing the base -- you know,
20 the basic work. So typically, we do analyst
21 -- threat hunting, audits, compliance,
22 regulations, policy writing. We help with
23 some of our services, that type of stuff.

24 Q. What are your services? What does

1 the West Virginia Office of Technology do?

2 A. So the Office of Technology as a
3 whole, or my office -- my team?

4 Q. Let's start with the office as a
5 whole.

6 A. Okay.

7 Q. And then we will break it down
8 by --

9 A. The office as a whole is a service
10 provider for executive branch agencies. So
11 we do -- West Virginia is a consolidated IT
12 department, meaning shared services, things
13 like email, network, security, things that
14 are better from a cost estimate, better --
15 if you get the bulk, you get that price
16 deal. So that's the services we provide is
17 on those areas. Server management data
18 center.

19 Q. You said for the executive branch?

20 A. Yes.

21 Q. What about the rest of the state
22 agencies?

23 A. Non-executive branch?

24 Q. Yes.

1 A. They do what they want.

2 Q. Oh, okay. So they have their own
3 servers, their own computer systems, their
4 own systems?

5 A. Yeah -- well, education would be
6 the other biggest entity. Executive branch
7 is the -- a lot.

8 Q. All right.

9 A. Legislative, judicial, they are all
10 -- they do whatever they -- no visibility
11 into their systems.

12 Q. When you refer to executive branch,
13 that includes DHHR, correct?

14 A. Yes. Main departments.

15 Q. Is that the largest department that
16 you all service?

17 A. Yes.

18 Q. Okay. And what are the divisions
19 -- you mentioned that there was different --
20 I want to say divisions or components of
21 WVOT. WVOT, is that what you are referred
22 to as?

23 A. We call ourselves OT -- WVOT, yeah.

24 Q. What are those? Are they

1 divisions? Are they -- how do you define
2 them?

3 A. We have -- well, mine is set as an
4 office simply because of the legislative
5 code that establishes my office. Then
6 there's the PMO office - project management
7 office. We have an operations team, which
8 is boots on the ground, break/fix type
9 stuff. We have an engineering team. We
10 have all of our admin type services, which
11 would be billing, HR, that type of stuff.
12 And then we have Enterprise services, which
13 is everything from specialty applications to
14 like Enterprise architecture, planning.

15 Q. The first one you mentioned, the
16 PMO --

17 A. Project management office, yes.

18 Q. -- what do they do?

19 A. They are the office that helps
20 basically work with the business and kind of
21 try to connect the technology and the
22 business needs. We are a hundred percent
23 charge-back service. They do have to pay
24 for that service. And they submit plans.

1 And we get the state folders together,
2 assign a project manager and make sure they
3 are not resourced -- one agency is not
4 resourced draining from a shared pool of
5 resources essentially. Only so many --

6 Q. They actually don't play fair.

7 A. Yeah. Only so many IT people to go
8 around.

9 Q. Right.

10 All right. I jumped ahead of
11 myself. Let me back up. Tell me a little
12 bit about your educational background.

13 A. I have a dual major in IT in
14 business management.

15 Q. From?

16 A. University of Charleston.

17 I have a master's degree from
18 Marshall in technology management with a
19 focus in cyber security. And then I have a
20 couple of certificates. I am -- most
21 professional certificates, the CISSP.

22 Q. When did you get your IT degree at
23 UC?

24 A. 2004, 2005. And I think the

1 master's degree was probably 2012.

2 Q. Oh, long after I did my computer
3 work at UC. It wasn't even called IT back
4 then.

5 A. Yeah. No, they paid me to go to UC
6 because of their IT.

7 Q. A minor in something, information
8 services or -- no.

9 A. Yeah. That's what they used to
10 call it.

11 Q. Is that what it was?

12 A. Information -- yeah. They used to
13 call that --

14 Q. I think I learned COBOL.

15 A. Oh. No, thank you.

16 Q. Yeah. At least I was past the
17 punch cards.

18 A. That was in the history books.

19 Q. Yeah, I understand.

20 MR. ROSS: We just went into
21 nerd territory.

22 Q. Prior to coming to work for the
23 state -- or Office of Technology, where did
24 you work at?

1 A. I was a training director for
2 Bowles Rice. I taught attorneys how to use
3 technology because they couldn't.

4 Q. Yeah. Lucky you.

5 A. Yeah.

6 Q. All right. Obviously we are here
7 today about the issues with the DHHR, the
8 litigation hold and those matters. When it
9 comes to preserving email accounts for DHHR
10 employees specifically, which department
11 would that fall under as far as monitoring
12 -- let's start with as far as maintaining
13 them?

14 A. I --

15 Q. Which of your departments that you
16 described for me would that be under, or how
17 did that work?

18 A. So typically, the work flow -- the
19 work flow is -- it comes in to our office --
20 my office specifically. It comes in to my
21 analysts. We have a single point for that
22 for all of the agencies just so we don't
23 miss as many as humanly possible. And it
24 gets tasked out to analysts to do X, Y and

1 Z. So if we get provided an account, we
2 assign it to accounts management to have
3 switches flipped or put it in whatever
4 bucket it needs to be. Or if we need to do
5 searches, then our analysts typically do the
6 searches.

7 Q. Okay. And you're talking
8 specifically about litigation holds, right?

9 A. Yes. Accounts, yeah.

10 Q. Explain to me how the email system
11 works. For instance, DHHR has obviously
12 thousands of employees and they all have
13 emails?

14 A. You mean the email flow process?

15 Q. Yes.

16 A. Okay. So the individuals at DHHR,
17 whoever is responsible for a particular
18 employee -- if they are getting a new
19 employee or an employee is leaving, we have
20 forms in our work flow system. It's called
21 Ivanti. They submit the request for a new
22 account. That account -- they provide all
23 of the information that is needed. That
24 account gets created. When the employee

1 starts, that start date, they can go log in
2 with the information and get their account.

3 The opposite is true. When they go
4 to leave, the supervisor drops an email --
5 not an email, drops a form. It tasks it out
6 to the technicians. And the system starts
7 the automatic deprovision process. Because
8 we get ten to 15 of those at least a day.

9 And so it goes through and it sees,
10 okay, who is getting access to the email for
11 the next 30 days, copies over everything for
12 them to have access to, gives them access to
13 the email. And then it will close unless an
14 agency is requested an extension or
15 something.

16 Q. Okay. Going back to the creation
17 of the email accounts. Does that go through
18 your office?

19 A. My specific team?

20 Q. Yes.

21 A. No.

22 Q. Who does that go through?

23 A. It goes through accounts
24 management.

1 Q. Accounts management?

2 A. Yeah. Which is part of operations.

3 Q. Okay. Thanks.

4 So when a request comes in to
5 create a new email account for a state
6 employee, they provide the information, do
7 they -- as far as access to that particular
8 account, is that something that is set up by
9 you, or is that automatic? How does it work
10 as far as who has access besides the
11 individual it is being set up for?

12 A. Just the individual that has -- I
13 mean, obviously admin control has access.
14 But no, just them. Unless it is specified
15 for some reason.

16 Q. Okay. So as far as a regular email
17 account, your admin department would have
18 access to it, but nobody else would have
19 access to that email other than that
20 individual unless it was specifically
21 requested?

22 A. Yes. Yeah. And there is actually
23 a form for that. But that never happens,
24 like when an account is created.

1 Q. It never happens or something that
2 happens that somebody is going to say, make
3 sure I have access to this account when you
4 create it?

5 A. Yeah. It doesn't happen.

6 Q. They could, but they don't?

7 A. They could, but they don't. Yeah.
8 Usually that is like after the account
9 creation.

10 Q. When there is -- an issue arises?

11 A. Yeah. Or need help -- admins get
12 assigned, that type of thing, for like
13 secretaries and things.

14 Q. Right.

15 Okay. You just mentioned -- when
16 you were walking me through that process,
17 you mentioned the deprovisioning. So let's
18 talk about that a little bit. When your
19 office is notified that an account needs to
20 be deprovisioned -- first of all, tell me
21 why that would happen.

22 A. Separation of employment is the
23 number one. I mean, they are fired, they
24 are leaving, they are transferring.

1 Especially with like a large agency like
2 DHHR, they change agencies. That's pretty
3 much it.

4 Q. What about if there has been a --
5 what's the word I want -- at one period of
6 time there has been no activity?

7 A. No activity? So the no activity is
8 a little different. After 30 days of no
9 activity, the account goes into a locked
10 status. And then 30 days after that, then
11 it can get deleted. We have a form for --
12 like if somebody is going to be on sick
13 leave or maternity leave, something like
14 that, we have a form so we know that those
15 accounts shouldn't be shut. That's a
16 security practice that is standard. It's in
17 this state 152 or 53 standard to terminate
18 those account -- access.

19 Q. So if somebody goes on extended
20 leave and you don't receive notification
21 within 60 days, it's going to be taken out?

22 A. Yeah.

23 Q. That's not the word I want. It is
24 going to be deleted.

1 A. That's fine.

2 Q. Specifically in your department,
3 talk to me a little bit about the hierarchy.
4 Who do you report to?

5 A. Chief information officer - CIO.

6 Q. And who is that?

7 A. Currently, it's Heather Abbott.

8 Q. How long has Ms. Abbott been there?

9 A. In that position, three months --
10 three months.

11 Q. And who was in that position prior
12 to Ms. Abbott?

13 A. Josh Spence.

14 Q. I'm sorry?

15 A. Josh Spence.

16 Q. Josh Spence?

17 A. Uh-huh.

18 Q. How long was Mr. Spence in that
19 position?

20 A. Four years.

21 Q. Do you supervise any individuals
22 directly?

23 A. Yes.

24 Q. How many?

1 A. There's ten people on my team right
2 now. I directly supervise the two managers.

3 Q. Who are the two managers?

4 A. Matt Winfree and Leroy Amos.

5 THE COURT REPORTER: What was
6 the last name?

7 THE WITNESS: Amos.

8 THE COURT REPORTER: Thank you.

9 Q. What was the last name of the first
10 one?

11 A. Winfree.

12 Q. Winfree?

13 A. Yeah.

14 Q. And so you have two managers. And
15 underneath each manager, there's four
16 employees?

17 A. Yes. Sometimes we -- one guy gets
18 kicked. But yes.

19 Q. And what do these employees -- the
20 ten employees under you, what are their
21 purposes, or what are they made to do?

22 A. So on Winfree's side of the house,
23 he is responsible for security
24 administration, security planning and

1 compliance and control. So he is
2 essentially the team that tries to prevent
3 the attacks by keeping the infrastructure
4 up-to-date by running like vulnerability
5 scans and pentesting stuff and making sure
6 that the hackers can't easily get in.

7 And then on Leroy's side of the
8 team is where all of our forensics,
9 investigations, threat hunting and security
10 operations, which would include firewall
11 advanced and point detection.

12 Q. Which team would be responsible for
13 the litigation holds?

14 A. The forensic team.

15 Q. Mr. Amos at this point?

16 A. Yeah. I mean, there's a couple of
17 them. He was our primary for a while, yeah.

18 Q. How long has he been a manager
19 under you?

20 A. Amos?

21 Q. Yes.

22 A. Or Leroy?

23 Q. It's Leroy Amos?

24 A. Leroy Amos, yeah. Sorry.

1 Leroy has been a manager under me
2 since I took over. So four years.

3 Q. Okay. And --

4 A. He has been on the team a while
5 though.

6 Q. I'm sorry?

7 A. He has been on the team a while.

8 Q. How long has he been there?

9 A. (Laughs.)

10 Q. Long time?

11 A. Yeah. He retires in two years.

12 Okay? Let's just put it that way.

13 Q. Lucky man.

14 A. He is not allowed.

15 Q. Is his team also responsible for
16 deprovisioning?

17 A. No.

18 Q. Who does that?

19 A. Accounts management. It's more of
20 a --

21 Q. Oh, okay.

22 A. It's more automated. Because we
23 have 20,000 users.

24 Q. Right.

1 A. So it's not a very hands --
2 hands-on process.

3 Q. They receive the document and
4 process it?

5 A. Yeah.

6 (Exhibit 1 was marked.)

7 Q. All right. Ms. Cox, I am going to
8 hand you what's been marked as Deposition
9 Exhibit Number 1.

10 A. Yeah.

11 Q. I'll give you a second. And my
12 first question is going to be, what is it?

13 A. This is a printout, which I have
14 never actually seen, of our Ivanti service
15 request for a deprovision.

16 Q. So when we were talking about the
17 requests that you receive to deprovision an
18 employee's email, this is the document that
19 we are referring to?

20 A. Yes.

21 Q. And this is a two-page screenshot
22 of that electronically submitted form,
23 correct?

24 A. Yes.

1 Q. Because when you all receive it,
2 it's just an electronic --

3 A. Yeah.

4 Q. -- format --

5 A. Yeah.

6 Q. -- right?

7 All right. For the record, it said
8 WVOT 0014 and 0015.

9 All right. I am going to have you
10 walk me through this. The first thing I got
11 up top is Service Request 116774. Is that
12 just the number -- sequential number of --

13 A. Yeah. It's the 116,000, yeah.

14 Q. How long has this service been --
15 or this process been in place?

16 A. On this system, three years.

17 Q. Okay. So is it fair to say that in
18 three years, we deprovisioned 116,000
19 employees?

20 A. No. Because a service request can
21 be something else. But it would -- it's a
22 large number.

23 Q. Got you.

24 A. Turnovers average at least 400 a

1 month.

2 Q. All right. Customer, Beth Jarrett.
3 Do you know who Ms. Jarrett is?

4 A. Bill Crouch's admin -- or the main
5 admin for DHHR.

6 Q. Who is the individual that
7 typically makes the deprovisioning requests?

8 A. Whatever the agency decides. I
9 have no input on that one. The agency has
10 agreed upon who can submit them. And we
11 honor that request.

12 Q. You're just doing what they tell
13 you to?

14 A. Yeah. We are a service provider.

15 Q. And the account -- so this goes to
16 somebody in account management?

17 A. Yeah. It goes to a team, and
18 whoever picks it up.

19 Q. And if you look at the right-hand
20 side there, it says, Team: Enterprise -
21 Account Management. Is Enterprise the name
22 of a team? What is Enterprise?

23 A. Enterprise means --

24 Q. The Enterprise?

1 A. -- the Enterprise, yeah.

2 Q. The service request details, middle
3 of the page, comments there, "Remove a
4 user's current network access when
5 transferring or completely remove access
6 when leaving."

7 Is that something that is typed in
8 by Ms. Jarrett? Is that a standard
9 filled-in box? What is that?

10 A. That is a security reminder for the
11 people that are performing tasks. I don't
12 want them to forget to do stuff. So we can
13 build in little reminders on the floor.

14 Q. So that comment is something -- if
15 I were working for DHHR, I pull up this
16 deprovisioning form --

17 A. They never see that.

18 Q. Oh, they don't see that?

19 A. No. That's on our side.

20 Q. So that is something that is
21 already there, put in there by you or
22 somebody on your team to remind them of what
23 they are doing?

24 A. Yes. That's basically what the

1 service is.

2 Q. Right. And then below that,
3 created by Beth Jarrett. And then it says,
4 On December 30, 2022, 1:16:29 -- would that
5 be the date that the service request was
6 created or submitted?

7 A. Yes.

8 Q. Is there a distinction between the
9 two? I don't imagine it takes too long to
10 do this. But if they start doing it at a
11 certain time, would this be when it was
12 submitted or when they started filling out
13 the form?

14 A. So it was -- when the form was
15 created by was when the form was created.
16 And then the date is when the -- it was
17 done. They put down here when it was like
18 supposed to be done. The agency provides
19 us --

20 Q. The effective date?

21 A. -- the effective date. So when the
22 actual thing gets in place -- this internal
23 services responded by, that's when the
24 technician like closed the task.

1 Q. Okay.

2 A. Which is -- that's an internal
3 thing to OT. That's not really a --

4 Q. Right. And I want to ask you about
5 that. So when it says internal services,
6 January 20th, 2023 -- so 20 days after this
7 was created, it was -- the internal services
8 responded or closed it. What does that mean
9 by closing it?

10 A. So internal services for this
11 system means that it was automatically
12 closed, that everything -- all of the tasks
13 had been completed and that they had been
14 closed, and it doesn't stay open in our
15 queue of list of work we need to do.

16 Q. Okay.

17 A. Because like each team has like a
18 giant list of work to get completed.

19 Q. Okay. Then on the left-hand side,
20 I got parameters. Is that information that
21 is in --

22 A. That's what the agency provides us.

23 Q. So that's information that
24 Ms. Jarrett would have inputted into the

1 particular fillable form?

2 A. Yes.

3 Q. And I am correct, this is a
4 fillable form that they fill out when they
5 are doing it?

6 A. Yes.

7 Q. So you have got her email, the
8 reason for the request, which she was
9 leaving employment -- employee's email,
10 which is what we are deprovisioning,
11 correct --

12 A. (Nods head.)

13 Q. -- and then what department?

14 Now, the effective date, that is --
15 again, I think that's what you told me is
16 what Ms. Jarrett put in as to when they want
17 this to be effective?

18 A. Yeah.

19 Q. When they want the email access cut
20 off?

21 A. Yeah.

22 Q. "Does the person have FACT access?"
23 Now, does that black circle with the X mean
24 yes or no?

1 A. I am going to go with no. Well --

2 Q. I don't know is also an acceptable
3 answer.

4 A. Yeah. It might be I don't know.
5 We will go with I don't know. The nerd in
6 me says it's no.

7 Q. But you are not sure?

8 A. Yeah, no.

9 Q. The next question, "Would you like
10 someone to access this person's email? If
11 so, select the person here."

12 You have got an ID number and an
13 email. What does that do?

14 A. That gives the mailbox -- that
15 gives Ms. Jarrett access to that mailbox for
16 30 days.

17 Q. So once the request is put in,
18 whoever puts the request in has the option
19 of putting in an email address to an
20 individual that will have access to that
21 account for the next 30 days?

22 A. Yes.

23 Q. And in this case, Ms. Jarrett had
24 access to Mr. Crouch's email address from

1 approximately December 30, 2022, till

2 January 30, 2023?

3 A. Yes.

4 Q. Dates are hard for me.

5 The next one is email substitute.

6 What does that mean?

7 A. That means when somebody --

8 basically, when you -- she's going to take

9 over emails. So after where it has got like

10 an away message, it is going to start

11 sending the messages to her so she can cover

12 the work, like what comes in, so she can

13 respond.

14 Q. All right. Thank you. And that's

15 my fault. I skipped one.

16 A. Yeah.

17 Q. There is a message there that says,

18 "If you would like an auto reply on this

19 person's email, please type the auto reply

20 here."

21 So that's something that Ms.

22 Jarrett typed in to say --

23 A. Uh-huh.

24 Q. -- for the -- for how long is that

1 in place?

2 A. Thirty days.

3 Q. Okay. So for the next 30 days, if
4 an email goes to Mr. Crouch's email, they
5 are going to get this response, and it is
6 going to kick it to the substitute email?

7 A. Yes.

8 Q. The next one is, "Please enter name
9 of the person you would like to access this
10 person's MyDrive file."

11 What's a MyDrive file?

12 A. It is the -- MyDrive is the Google
13 version of OneDrive. So it's the Cloud
14 version of your document management system.

15 Q. The actual hard drive -- well --

16 A. No.

17 Q. It is not a hard drive?

18 A. It is Cloud documentation. If you
19 use Microsoft, you use OneDrive, right?

20 Q. Right.

21 A. Google has MyDrive.

22 Q. Okay. So it's the access to that
23 particular employee's drive that contains
24 theoretically all of the documents --

1 A. In the Cloud.

2 Q. -- they have stored on it in the
3 Cloud?

4 A. In the Cloud, yes.

5 Q. Okay. How long does that person
6 have access to MyDrive? Is that indefinite?

7 A. It copies it.

8 Q. Okay. So it actually copies it to
9 that person's drive as well? How does that
10 do that?

11 A. It comes in to a folder -- yeah.

12 Q. Okay. So inside Ms. Jarrett's
13 drive, there will be a subfolder that has
14 Bill Crouch's MyDrive files?

15 A. Yeah.

16 Q. Okay. And that is -- that doesn't
17 go away, correct?

18 A. No.

19 Q. What's DAA?

20 A. Designated approval authority.

21 Q. So that's Ms. Jarrett advising your
22 account management team that she has the
23 authority to do this?

24 A. Yes.

1 (A discussion was held off the
2 record.)

3 BY MR. WALTERS:

4 Q. Does DHHR have its own independent
5 IT department?

6 A. Yes.

7 Q. What's it called?

8 A. MIS.

9 Q. What's the role of MIS?

10 A. To provide customized support to
11 DHHR.

12 Q. Does MIS have access to the email
13 accounts as well?

14 A. No. They don't manage Enterprise
15 systems. They have access to like the
16 actual user's applications. They manage
17 like FACTS and RAPIDS, which are data
18 applications within DHHR. They help plan
19 out their IT projects and stuff, that type
20 of thing.

21 Q. Does your office coordinate or work
22 with MIS?

23 A. Yeah.

24 Q. Quite a bit?

1 A. Yeah.

2 Q. If MIS wanted to archive an email
3 account, how would they do it? Would they
4 do it through you all, or would they have
5 the ability to do it themselves?

6 A. They would do it through us.

7 Q. So they would send you all a
8 request saying we no longer have this
9 particular account?

10 A. Yes.

11 Q. What about searching MyDrives,
12 things like that, do they have the ability
13 to do that? Or do they have to go through
14 you all?

15 A. That's us. Because we maintain the
16 system.

17 Q. Okay. So they don't have a choice
18 when it comes to doing -- whether it be for
19 litigation or any other purpose, MIS doesn't
20 have their own independent access? They
21 can't get into those systems?

22 A. No.

23 Q. Everything has to go through you
24 all?

1 A. Right.

2 Q. And you all charge them for that,
3 right?

4 A. Yes.

5 Q. How does that work?

6 A. Hourly rate for investigations.

7 Q. And what I am asking is, I guess --

8 A. We charge --

9 Q. I guess really the question is,
10 why? I mean, it's all state agencies. So
11 why are there charges going back and forth?

12 A. I do security.

13 MR. ROSS: Good answer.

14 A. I ain't touching that one with a
15 20-foot pole.

16 Q. So you all charge them an hourly
17 rate for everything you do, or just certain
18 things?

19 A. My team has a set rate because you
20 can't opt out of security because you have
21 to have it. So we charge like per user --
22 per user per month. And then anything
23 additional that is just for a specific
24 office, we charge an hourly rate. Things

1 like internal investigations, litigation
2 requests, investigations, forensics,
3 examinations, yeah, we charge an hourly
4 rate.

5 Q. I am going to hand you what we will
6 have marked as Deposition Exhibit Number 2.

7 (Exhibit 2 was marked.)

8 Q. Ms. Cox, what I've handed you
9 that's been marked as Deposition Exhibit
10 Number 2, it's WVOTdocs 16 and 17. This is
11 another service request for deprovisioning,
12 correct?

13 A. Yeah. Yes.

14 Q. And this one is for Jeffrey Coben.
15 When the account management team receives a
16 request like this, whether it be Deposition
17 Number 1 or Number 2, do they have any
18 obligation or any requirement to do anything
19 other than deprovisioning the account?

20 A. No.

21 Q. Okay. And just so we are all
22 clear, describe to me what deprovisioning
23 means.

24 A. Deprovisioning for us is just the

1 process that we go through to close out the
2 account, free up the user license and to
3 close out our association with that account
4 basically.

5 Q. So no one in your office based upon
6 a deprovision request like we are looking at
7 in Number 2, nobody in your office will be
8 required to go in there and view or look at
9 any of the emails to determine what exactly
10 is being deleted?

11 A. No. We would never do that.

12 Q. And I think you've already
13 mentioned it. But after a certain amount of
14 time -- well, walk me through it. Your team
15 receives the request?

16 A. Uh-huh.

17 Q. What do they do to trigger the
18 30 days? From a physical standpoint, what
19 do they do? They log in and do what?

20 A. They just log in.

21 Q. And, I mean, they've got to -- tell
22 me what they are doing. Are they notifying
23 Google that we are hereby deprovisioning?
24 What triggers the 30-day? So they receive

1 this?

2 A. It would be after the effective
3 date that's provided.

4 Q. What I am after here is what
5 exactly is the management team member doing?
6 When they log in to the computer system,
7 what are they doing? Are they hitting a
8 toggle, or are they sending an email? What
9 are they physically doing to cause this to
10 happen?

11 A. So typically what's happening is --
12 when the information has been requested,
13 they verify that the account -- the
14 information is good. It has got a tie-in
15 with another system. So they approve the
16 request. The access gives -- is provided to
17 whoever needs it. And it sets up a series
18 of scripts that will run at set times and
19 deadlines.

20 Q. So they are logged in to another
21 system. And they indicate in that other
22 system this account is going to be
23 deprovisioned in 30 days?

24 A. Yeah.

1 Q. And somehow that gets transmitted
2 to Google?

3 A. Yes. Scripts.

4 Q. Is that through the scripts?

5 A. Yeah. It is all automated.

6 Q. And once that 30 days hits, what
7 happens? What's your understanding of what
8 happens to the account?

9 A. Once the 30 days is -- it closes,
10 and there is no longer a license associated
11 with that employee for that email address,
12 and those resources are freed back up.

13 (Exhibit 3 was marked.)

14 Q. All right. I am going to hand you
15 what I have marked as Deposition Exhibit
16 Number 3, which is WVOT 0034. I'll give you
17 a second to take a look. And just basically
18 tell me what this is.

19 A. This is the account management
20 procedure for basically a disabled account
21 process, so when an account is disabled.

22 Q. Okay. And down at the bottom,
23 there is a 24. Does that -- to me, that
24 would reflect this is page 24 of their

1 standard procedures management policy?

2 A. Well, yes. Sort of. This is part
3 of -- it's called the -- it's called the
4 Bible.

5 So the staff has a giant book of
6 processes -- yeah. And this is the one that
7 was dealing with your topic. Like the one
8 before it could have been how to deal with
9 fishing emails.

10 Q. There is no rhyme or reason, it is
11 just a collection --

12 A. Yeah.

13 Q. -- a collection of different
14 policies and procedures?

15 A. It existed before me.

16 Q. This one apparently existed since
17 December of 2003?

18 A. Yes.

19 Q. And it goes through -- if you look
20 at the top there -- the reasons why accounts
21 become disabled, employment separation,
22 security reasons. Third paragraph there,
23 disabled accounts will be purged after being
24 disabled 30 calendar days?

1 A. Uh-huh.

2 Q. This includes home directories,
3 data sets, emails and accounts. No
4 extensions will be accepted. After 30 days,
5 accounts will be purged accordingly.

6 So that policy has been in effect
7 for at least 20 years, correct?

8 A. Yeah. That was before me.

9 Q. This particular policy, the 30-day
10 purge, is that pretty --

11 A. Industry standard?

12 Q. Yes.

13 A. Yes. Especially when dealing with
14 Cloud documents. It's the default for both
15 Microsoft and Google.

16 Q. Is it pretty common knowledge in
17 your office?

18 A. In the technology world, yeah.

19 (Exhibit 4 was marked.)

20 Q. Ms. Cox, I just handed you what's
21 been marked as Deposition Exhibit Number 4.
22 And it is an eight-page document from --
23 WVOT 18 to WVOT 25.

24 Are you familiar with this

1 document?

2 A. Yes.

3 Q. Can you tell me what it is?

4 A. It's our Enterprise Lifecycle
5 Management for Google.

6 Q. Enterprise Lifecycle Management for
7 Google, what does that mean?

8 A. Lifecycle Management in IT is like
9 the process of when you start, you begin and
10 you end.

11 Q. Lifecycle?

12 A. Yes. Sorry.

13 Q. That's okay. That's why I
14 wanted -- just because it says the word
15 doesn't necessarily mean I understand it.

16 A. It's a circle.

17 Q. It's a circle?

18 A. Yes.

19 Q. And when you say for Google -- is
20 this something that was provided to you by
21 Google? Something you all created? Where
22 did this come from?

23 A. This was the update. So before --
24 because we switched to Google in 2022. And

1 so this is the updated version that used to
2 be for Microsoft. It's whatever our
3 Enterprise standard email tool is.

4 Q. Got you.

5 Go to page 2 of this document. At
6 the bottom, there is a section that says,
7 Offboarding/Termination at Agency Level?

8 A. Yeah.

9 Q. Agency submits employee details to
10 the service desk being via an Ivanti form?

11 A. Which is -- yeah.

12 Q. Is that Deposition Exhibit Number 1
13 and 2?

14 A. Yes.

15 Q. So that's the Ivanti form that they
16 referred to as deprovisioning. And that
17 triggers -- the next one there says, Disable
18 account in AD. So that triggers the
19 disabling of the account --

20 A. Yes.

21 Q. -- which was the document we looked
22 at just a second ago?

23 A. Yes.

24 Q. Okay. And then the next sentence

1 there says, Delegating to an executor. That
2 would be what we saw on the deprovisioning
3 form, the delegation to the executor for the
4 next 30 days. And in our case, for the
5 Deposition 1 and 2, would have been Beth
6 Jarrett, correct?

7 A. Yes.

8 Q. Now I want to take your attention
9 to -- if you go -- Bates numbers down at the
10 bottom is what I will refer to. Those are
11 the little numbers down at the bottom.
12 Page 21 -- or Bates number 21.

13 Down at the bottom there, it says,
14 If user returns to work in different
15 department or different agency based on
16 policy, best practice is to start these
17 return users with a brand new account.

18 Now, we got a bunch of redactions,
19 which I am not sure why we got policies
20 redacted. But it's -- go ahead. Is the
21 stuff that is redacted this stuff that shows
22 you how to do it?

23 A. Yeah.

24 Q. Okay.

1 A. It is nerd stuff that can be
2 backward engineered to hack systems.

3 Q. That's what I kind of thought.

4 A. Sorry.

5 Q. No, that's good.

6 A. You can't have it.

7 Q. If that's what it is, I don't want
8 it.

9 A. You won't understand what it says
10 anyway. That's fine.

11 Q. Right. Yeah. I took COBOL.

12 A. It is definitely not COBOL.

13 Q. The top of the next page, "If a
14 user returns before 25 days after account
15 deletion in Google, the account can be
16 restored."

17 A. Yes.

18 Q. First of all, let's break that
19 down. What's account deletion in Google?

20 A. It's the removal of the license.

21 Q. Now, when you say account deletion,
22 is that after the 30 days, or is that --
23 when does --

24 A. It's within the 30 -- it's within

1 the 30 days.

2 Q. Okay. Because it says after
3 account deletion. So I am trying to figure
4 out from a time frame what that means. Does
5 it mean -- when I send in -- when your
6 management team submits the deprovisioning,
7 does that -- is that the account deletion?

8 A. Yes.

9 Q. Okay.

10 A. Yeah.

11 Q. So they are saying at that point in
12 time it is account deletion. So we can
13 recover it -- well, wouldn't they be able to
14 recover it within that entire 30-day period?

15 A. Yes. However, this is specifically
16 for the Google admin. If it's the next
17 five days, the 25 through the 30, we have to
18 put a request in with Google. So this is
19 specifically for the Google admin since this
20 is a document for staff to understand the
21 responsibilities.

22 Q. When it says from Google admin,
23 that's something your staff has access to?

24 A. Yeah. Our staff is the Google

1 admin.

2 Q. Okay. So for the first 25 days of
3 that 30-day period, your staff can reinstate
4 the account. If it is within the frame of
5 25 to 30, you have to send a request to
6 Google?

7 A. Yeah. It's a very weird technical
8 distinction.

9 Q. Yeah, it is.

10 A. Sorry.

11 Q. That's all right.

12 If you go down to the next -- well,
13 the first sentence after the redaction on
14 the same page -- no, back on 22.

15 A. I know. But it was a bullet of the
16 previous one. So I needed to see what it
17 was.

18 Q. Got you. Sure.

19 You see where it says users will
20 remain in a suspended state until 30 days
21 have passed. After 30 days, admins can
22 delete the account in the admin panel or in
23 bulk using GAM.

24 Explain that to me, please.

1 A. That's some of the automated
2 scripting.

3 Q. I guess the part that confuses me,
4 it says admins can delete the account. I
5 thought it was automatically deleted
6 after 30.

7 A. It is. And the admins are
8 technically doing it. So when it's
9 automated, you still have to assign a
10 responsibility to somebody from an
11 administrative point. So they still have to
12 be responsible for that automated thing.
13 And that's kind of what this is talking
14 about. It's a technical distinction. They
15 are not manually doing it, but they are
16 still responsible for it because it's their
17 scripts.

18 Q. What's the difference between the
19 admin delete and a bulk -- what's GAM?

20 A. I don't know off the top of my
21 head. I used to. It's a service that
22 basically does it.

23 Q. What's the difference -- the
24 distinction here between a bulk deletion

1 versus the admin deletion? It says the
2 admin -- well, it says admin can do it one
3 of two ways, delete the account in the admin
4 panel or in bulk.

5 So I guess the question is, what's
6 the difference between admin panel and bulk?

7 A. Typically it is doing it in bulk
8 because that is going to be doing the
9 scripts. Admins -- when you are doing in
10 the admin panel, it is usually like one off
11 specific issues. Maybe you created an
12 account with the wrong user initial or
13 whatnot. And so you are having to manually
14 do that -- something to a specific account.

15 Q. Versus having it automated?

16 A. Yeah. You want to try to avoid
17 that as much as possible, give them the
18 volume.

19 Q. And then after that 30 days -- I
20 don't know if you said it or not. But after
21 that 30 days, there is no recovery, there is
22 no chance?

23 A. No. It is gone.

24 Q. It is gone.

1 All right. Explain to me how --
2 well, let's start with your understanding of
3 what a litigation hold is.

4 A. We do what the agency requests.
5 That's what it means.

6 Q. Well, yeah. But what is it? What
7 is a litigation hold?

8 A. For us?

9 Q. Yes.

10 A. We hold whatever the agency
11 requests.

12 Q. So from your standpoint, a
13 litigation hold is, you got a request from
14 an agency to preserve certain documents or
15 certain email accounts?

16 A. Certain email accounts, yes.

17 Q. And from your standpoint, do you
18 care whether it is a litigation hold or just
19 a request to hold the email account?

20 A. No.

21 Q. So you're just getting a request
22 from an agency --

23 A. I have technicians, yeah.

24 Q. -- don't delete these accounts?

1 You don't care why?

2 A. Correct.

3 Q. Okay. And is there a particular
4 form that the agency is supposed to use when
5 requesting that?

6 A. There is now. We have worked on
7 one recently. There hasn't been a
8 particular form. Each agency has done it
9 differently over the years.

10 Q. So you didn't have a manner in
11 which -- or a particular form that most
12 agencies used?

13 A. Most agencies use our investigation
14 request form because it's a standard form
15 they are used to. So typically that's what
16 we see.

17 (Exhibit 5 was marked.)

18 Q. Ms. Cox, I have handed you what's
19 been marked as Deposition Exhibit Number 5.
20 Is this the technical investigation request
21 you just referenced?

22 A. Yes.

23 Q. Okay. And I think you told me that
24 this is what most agencies use when

1 requesting a hold?

2 A. Hold, investigation, internal
3 investigation, FOIA requests, yeah.

4 Q. Anything that says don't delete the
5 email account?

6 A. Yeah.

7 Q. And this -- it's a multiple-page
8 document. I have got a revised date of
9 April -- well, an issue date of
10 February 26th, 2008, with a revision date of
11 April 25, 2022. It's a seven-page document.
12 And there is an appendix, Appendix A. Is
13 this the actual form that the agency would
14 submit to your agency?

15 A. Yes.

16 Q. And what would you expect to see on
17 this form as far as any type of a hold goes?
18 If they are requesting that you hold certain
19 email accounts, what would you see on here?

20 A. Typically, the agency puts it in
21 Section 3, purpose of whatever they are
22 needing.

23 Q. And then Section 2 would be a list
24 of the individuals --

1 A. Yes.

2 Q. -- with their email accounts?

3 A. And their User ID's.

4 Q. So I am giving you -- if I am the
5 agency, I am giving you the User ID, the
6 email accounts saying don't delete these
7 emails?

8 A. Yes.

9 Q. Who in your office would receive
10 Appendix A to Deposition Exhibit Number 5?

11 A. The CSO box, which is a group
12 mailbox.

13 Q. It's a what mailbox?

14 A. It's a group mailbox.

15 Q. Group. And you said CSO?

16 A. Yes.

17 Q. What is that?

18 A. Cyber security office.

19 Q. All right. Which one does that
20 fall under?

21 A. Me.

22 Q. Okay. So that's under your office?

23 A. Yeah.

24 Q. And so it goes into a mailbox. Who

1 has access to that mailbox? Everybody in
2 your office?

3 A. Yeah.

4 Q. And how is this processed? And I
5 am referring again to Appendix A of Depo 5.

6 A. Primary investigator grabs it, sees
7 what information is available, sees if it
8 makes sense, and reaches out to the agency
9 if it doesn't. If it does, we just do it.
10 And it gets assigned out to whichever
11 analyst is available. And depending on what
12 is needed, it gets done.

13 Q. And I understand Appendix A can
14 cover a lot more than just an email hold.

15 A. Yeah. And they are not required to
16 use that, but -- most default, I guess.

17 Q. Right. And so if you have got
18 Appendix A received in your CSO box, you
19 said the primary investigator pulls it?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes.

23 Q. We were talking so much before we
24 started the depo, I completely forgot.

1 A. I know. I have a bad habit about
2 that. I know better.

3 Q. Well, it is not just that. It is
4 all of the rules -- which you have been
5 doing fine, which is why I haven't even
6 thought about it. And you will continue to
7 do fine. But yeah, try to use yes and no.
8 No shoulder shrugs. Make sure you wait
9 until I finish my question. And I don't
10 expect this to be long. But if you need a
11 break, by all means, let us know.

12 With regard to Appendix A, if the
13 -- oh, when the primary investigator
14 received it, you said they assigned it to
15 somebody?

16 A. It gets assigned. So it might be
17 the primary investigator. Depending on what
18 information is actually needed, it might go
19 out to different teams or tasks to be tasked
20 out. But we have -- the primary
21 investigator typically coordinates it.

22 Q. Okay. Who is the primary -- when
23 you say primary investigator, is that an
24 individual or a title of multiple

1 individuals? So you have one, or is there
2 multiple primary investigators?

3 A. Typically, we have one at any given
4 time.

5 Q. Who is that currently?

6 A. Currently -- currently that
7 position needs filled.

8 Q. Who was in that?

9 A. Before that, it was Jim Kirk.

10 Q. Jim Kirk?

11 A. Before that, it was Avis. And then
12 Leroy, the manager, steps in and out as
13 needed.

14 Q. Okay. And Avis, is that Chris
15 Avis?

16 A. Yes.

17 Q. And how long was Chris Avis the
18 primary investigator? From when to when?

19 A. Probably for 15 years.

20 Q. When did he leave the agency?

21 A. 2020.

22 Q. And then is that when Mr. Jim Kirk
23 took over?

24 A. Yes.

1 Q. And is Mr. Kirk no longer with the
2 agency, or is he no longer the lead
3 investigator?

4 A. He's not a full-time employee. We
5 have him on a temp contract.

6 Q. So when Chris Avis left the agency,
7 Jim Kirk took over as lead investigator --
8 lead investigator?

9 A. Lead analyst.

10 Q. You told me that it goes in a COS
11 box, a particular person pulled it -- I've
12 already lost their title.

13 A. The lead analyst, lead
14 investigator, whatever you want.

15 Q. Lead analyst?

16 A. Yeah. We just refer to them as
17 leads.

18 Q. Okay.

19 A. They're leads.

20 Q. And that's what I want. I want
21 your-all's terminology, not mine.

22 A. Yeah. Director, manager, lead.

23 Q. How long was Mr. Kirk the lead?

24 A. He was fully employed for

1 two years. And then he went to full --
2 contractor status.

3 Q. So from 2022 to sometime in 20 --
4 I'm sorry -- 2020?

5 A. Yeah. The end of 2020 is when
6 Chris left. And then Kirk took over.

7 Q. He was there until when in 2022?

8 A. He is still here.

9 Q. Is he still the lead?

10 A. He is still the lead, yeah.

11 Q. Okay.

12 A. But I have different -- I mean, I
13 have more analysts right now.

14 Q. Got you.

15 So when Appendix A would come in or
16 a similar form, and if it was a request just
17 to hold email, an email account, would
18 Mr. Avis or Mr. Kirk actually do it, or
19 would they assign it to an analyst to do?

20 A. It gets tasked out in Ivanti to
21 accounts management.

22 Q. And so we are clear, the Appendix A
23 could be used for an email hold, but it also
24 could be used to say search for this

1 information or --

2 A. Yeah.

3 Q. -- do -- find some data or things
4 along that line, correct?

5 A. Yes. Login/logout, times of
6 employees, all sorts of stuff.

7 Q. Used a lot for determining time
8 clock fraud or --

9 A. No comment.

10 Q. -- things along that line?

11 A. (Nods head.)

12 Q. When your agency -- whether it be
13 the CSO or the analyst or whoever, when they
14 receive this request to hold an email
15 account, if it's just a request to hold,
16 don't delete, is there any reason for them
17 to go into the account? Do they look at it?
18 Do they do anything with it?

19 A. No.

20 Q. What exactly do they do? How do
21 they hold it?

22 A. So in Google -- we use Google
23 Vault. And there is a retention section in
24 there. We go and literally move the user

1 and say, Okay, this person's email calendar,
2 whatever applications they have with Google
3 are now retained.

4 Q. And then that email account is
5 retained until when?

6 A. Until they take off the hold.

7 Q. The hold. So what's that --

8 A. And if something is in there that
9 can't be deleted, the scripts prevent it
10 because those scripts check it.

11 Q. Thank you. That's what I was
12 after. So once that hold gets instigated
13 and initiated, it can't be deleted no matter
14 what else happens until somebody goes in and
15 reviews that hold?

16 A. Correct.

17 (Exhibit 6 was marked.)

18 Q. Ms. Cox, I just handed you what's
19 been marked as Deposition Exhibit Number 6.
20 It's a document titled Litigation Hold,
21 three-page document.

22 First question, are you familiar
23 with this particular document?

24 A. Yes.

1 Q. And when is the first time you saw
2 this document?

3 A. Back in 2019.

4 Q. And how is it that you saw it in
5 2019? How was it that it came across your
6 desk?

7 A. We do -- on our team, we do like a
8 weekly review of open investigations, what
9 my guys are doing. So they should have --
10 this information goes up to the manager, and
11 the manager shares it to me.

12 Q. I'm sorry. One more. I missed
13 that.

14 A. Yeah. The manager, he shared --
15 this one specifically went directly to Chris
16 Avis. Chris shared it with his manager so
17 we would all be in the loop.

18 Q. Who was Mr. Avis's manager at the
19 time?

20 A. Amos -- Leroy Amos.

21 Q. And how did Mr. Avis receive this?

22 A. It was in an email attachment.

23 Q. And what did the email say? Who
24 was the email from?

1 A. Probably Jacqueline. I don't know.

2 Q. Do you recall the email?

3 A. No. It was in the documents we
4 provided.

5 Q. I didn't see it in there. That's
6 why I am asking. Do you think you provided
7 it and I missed it, or do you think that you
8 still have it?

9 A. I am pretty sure we provided it.

10 Q. Okay. We will double-check.

11 And it was an email specifically to
12 Mr. Avis, or is it to all individuals in the
13 To section?

14 A. All of the individuals.

15 Q. So Mr. Avis received this via
16 email, and you said from -- you thought from
17 Jacqueline?

18 A. She was their admin staff that sent
19 stuff.

20 Q. What's her full name?

21 A. (No response.)

22 Q. That's okay.

23 A. Jacqueline.

24 Q. Mrs.?

1 A. She is nice.

2 MR. ROSS: This (indicating)?

3 MR. WALTERS: Oh, right. Yeah,
4 I know you gave us this. I was talking
5 about the email, the actual email.

6 Q. Because it's my understanding that
7 the litigation hold letter, Deposition
8 Exhibit Number 6, came to Mr. Avis through
9 an actual email, and this was -- the
10 litigation hold was an attachment to that
11 email?

12 A. Yes.

13 Q. And that email is what I am asking
14 about. Do you think you --

15 A. We have it.

16 Q. Okay. That's why I was asking. I
17 know you guys gave us a copy of the
18 litigation hold letter.

19 A. I don't think there was much on the
20 actual email.

21 Q. That's what I was asking about. I
22 don't know because I don't think I have seen
23 that.

24 A. Yeah. I mean, I can -- I can --

1 Q. Okay. We will cover that. That's
2 all I needed to know about that.

3 So when Mr. Avis received this
4 email litigation hold, at some point after
5 that he brought it to your attention?

6 A. Yeah.

7 Q. And what did you do or what did
8 your office do when you received this
9 litigation hold?

10 A. When we received it, we didn't do
11 technically anything for it. We didn't
12 realize that we had actions that needed
13 taken.

14 Q. Is there anything in this
15 particular document that tells you -- tells
16 the Office of Technology it didn't do
17 anything?

18 A. There is nothing that we can do
19 from a technical perspective.

20 Q. And explain that to me. What do
21 you mean there is nothing you can do from a
22 technical standpoint?

23 A. We manage 20,000 emails.

24 Q. Right.

1 A. Right. I don't know what is in
2 those emails. You talked about do we look
3 into an account, do we check an account --
4 no. When it is something like this and it
5 tells us they are getting sued about foster
6 care, that doesn't mean anything to us. I
7 mean, we are Google for the state. So we
8 don't know what our people are doing.

9 Q. Right.

10 A. We also get a lot of these types of
11 documents that are FYI's that work is going
12 to come. Because we did do a lot of work
13 for this -- hundreds of hours we billed
14 DHHR.

15 Q. So let me make sure I understand
16 this. When you all received the litigation
17 hold that is Deposition Exhibit Number 6,
18 you treated that more like an FYI, there is
19 going to be a lot of work coming down the
20 pike because we've got massive litigation
21 regarding the foster care system?

22 A. Yeah. And when Avis did work --
23 because, you know, we had open cases with
24 MIS for other issues, it immediately went

1 into document production. So our
2 investigators thought we were completing
3 whatever our agency needed us to do for this
4 document.

5 Q. Because this particular document
6 doesn't request that the Office of
7 Technology preserve or hold any email
8 accounts, correct?

9 A. Well, I mean, it says stuff, yes.

10 Q. But when you received this --

11 A. From like a technical perspective,
12 I couldn't act on it, no.

13 Q. Right.

14 A. I don't know like which emails.

15 Q. Right. There's nothing in this
16 letter that tells you what email addresses
17 need to be preserved?

18 A. Correct.

19 Q. And when you received this, was
20 there any discussions with Shaun Charles at
21 MIS to say, listen, do we need to do
22 anything at this point in time?

23 A. We don't have any call logs that go
24 back that far. And the emails were pretty

1 light. I know they had a fairly regular
2 sync up on talks. But like I said, it
3 pretty much went into immediate --

4 Q. Document production?

5 A. -- document production. And from
6 where -- from a technical standpoint --
7 usually when we hit document production,
8 that's what we are doing. We are not
9 holding specific emails at that point.

10 Q. And if DHHR wanted the Office of
11 Technology to hold a certain email account,
12 would you expect them to send you a specific
13 request telling you that?

14 A. They would have to tell me the
15 names, yeah.

16 Q. Right. And the passwords and the
17 email accounts?

18 A. No. They don't have to tell me
19 passwords.

20 Q. Because you know them?

21 A. No. I don't know them.

22 Q. You don't know the passwords of the
23 accounts?

24 A. No. I don't want to. That's a

1 security risk.

2 Q. But you would have to know at least
3 the names of the individuals of which
4 accounts they want you to hold in order to
5 do it?

6 A. Yes.

7 Q. Have you received requests in the
8 past from DHHR to hold specific email
9 accounts?

10 A. Yes.

11 Q. And how did you receive those, do
12 you recall?

13 A. I'm pretty sure it was the same
14 form.

15 Q. So you've received similar letters
16 like Deposition Exhibit Number 6 from DHHR
17 telling you to hold specific email accounts?

18 A. Yeah. They have had specific like
19 people.

20 Q. So in 2019, when you received this
21 particular letter, had you already received
22 -- not necessarily in this case, but you had
23 previously received documentation from DHHR
24 saying we need you to preserve these

1 particular email accounts?

2 A. Yes.

3 Q. So they knew how to request you to
4 hold an account?

5 A. Yeah. I do believe it was a
6 different attorney though.

7 Q. If you look at page 3 of Deposition
8 Exhibit Number 6, there is an
9 acknowledgement form on there. Is that
10 something that your office would typically
11 return?

12 A. No.

13 Q. Why not?

14 A. If we didn't act -- take any
15 action, we don't sign anything.

16 Q. So there is no point in
17 acknowledging if you don't have to do
18 anything?

19 A. Correct.

20 Q. Anybody from DHHR ever contact you
21 to say how come you didn't return the form?

22 A. I have no idea.

23 Q. Anybody ever contact you?

24 A. No.

1 MR. WALTERS: We actually have
2 been going about an hour. Let's take a
3 short five-minute break.

4 (Break in proceedings.)

5 BY MR. WALTERS:

6 Q. As we were talking about off the
7 record, we did locate the email that was
8 attached -- or that the litigation hold was
9 attached to. It was actually sent from a
10 Janet Huffman. Do you know Janet?

11 A. No.

12 Q. I believe she was or is a paralegal
13 in Ms. Robertson's office?

14 A. I had the J right.

15 Q. So who was Jacqueline?

16 A. The other one. Probably the new
17 paralegal from that one.

18 Q. All right. You had mentioned that
19 soon after you received the litigation hold
20 that was Deposition Exhibit Number 6, that
21 your office was engaged in document
22 retention with MIS; is that fair?

23 A. Yes.

24 Q. And some pretty extensive document

1 retention?

2 A. Very extensive.

3 Q. Okay. And to your knowledge, at
4 any time during that entire process, was
5 there ever a request to preserve -- and when
6 I say was there ever, I mean from the time
7 of the litigation hold on December 4th of
8 2019 until August of this year -- did your
9 office receive a request separately or
10 through that interaction with MIS to
11 preserve any email accounts?

12 A. The specific email account
13 preservations didn't come until this year.

14 Q. Until --

15 A. Yeah.

16 Q. -- August -- there is --

17 A. Some of them had been put into
18 place for other issues during -- yeah.

19 Q. Yeah. And I wanted to get to that
20 too. Because it's my understanding that
21 there were -- there was at least one
22 individual who had separated employment with
23 the state whose email was preserved. And I
24 guess that was my question, is why was one

1 but nobody else? And I think that might be
2 the answer. But it was -- I believe it was
3 Jeremiah Samples?

4 A. Yeah. He was preserved.

5 Q. And he was preserved for some
6 reason other than this litigation?

7 A. Yes.

8 Q. Okay. So the reason that your
9 office was able to produce his emails was
10 not because of any litigation hold or
11 request to preserve it through DHHR in this
12 matter, but from somebody in a different
13 matter?

14 A. Correct. And that's why some of
15 them were preserved, is because they have
16 multiple holds. And they don't have to
17 request for a litigation hold. When we say
18 a litigation -- it doesn't have to be a
19 litigation hold. If a cabinet secretary
20 says they want us to hold an email, we are
21 going to hold an email.

22 Q. Right. Specifically with regard to
23 Mr. Samples, did you receive a written
24 request from DHHR to hold that email

1 account?

2 A. No.

3 Q. How was that communicated to your
4 office?

5 A. It was called in to my CIO at the
6 time.

7 Q. And who called that in?

8 A. Crouch called.

9 Q. So Bill Crouch called and said I
10 want you to put a hold on Mr. Samples' email
11 account?

12 A. Yes. One might have came in later
13 from April's office. But I don't have that
14 one off -- it might. Because there was
15 four. I think she sent four at some point.
16 And it might be in there. I don't know.
17 There's a lot.

18 Q. When you say four, do you mean four
19 separate requests or four email accounts?

20 A. Four email accounts and a request
21 -- and a singular request not related to
22 this case.

23 Q. Right. And when was that received?

24 A. Probably last year.

1 Q. It was a request from Ms. Robertson
2 saying hold these four email accounts, or
3 something to that effect?

4 A. Yes.

5 Q. Did she by chance use the PR-1001?
6 Or am I the only one that refers to it as
7 that?

8 A. You're the only one -- it's the
9 investigation form.

10 Q. Yes.

11 A. No. She didn't use that form. I
12 think it was just an email.

13 Q. Okay. Sounds so much better than
14 PR-1001 form.

15 A. We have a lot of PR's, yeah.

16 Q. I know.

17 A. You only saw a fraction of them. I
18 like documentation.

19 Q. Has DHHR ever used the Appendix A
20 to the PR-1001?

21 A. Yes.

22 Q. Has DHHR ever used Appendix A for
23 purposes of preserving email accounts?

24 A. I don't know. We don't always have

1 the reason we are performing the requests.

2 I don't know what their reason is for the
3 request.

4 Q. Right. I don't mean a reason. But
5 have they ever used that form to request the
6 hold on an email account?

7 A. I don't know. I would have to go
8 back through all of them.

9 Q. When you get a -- Deposition
10 Exhibit Number 6 has an acknowledgement
11 form. When have you ever received -- has
12 your office to your knowledge ever received
13 an email request or a request to preserve
14 email accounts with an acknowledgement form?

15 A. From DHHR?

16 Q. Yes.

17 A. Yes.

18 Q. And in those situations, would you
19 or somebody in your office fill out the
20 acknowledgement form and send it back?

21 A. If we had an actionable item --
22 like it listed an account?

23 Q. Yes.

24 A. Yes.

1 Q. Okay. So if they actually sent you
2 an email similar to Deposition 6 and said
3 preserve these ten emails and here is the
4 acknowledgement --

5 A. Yes.

6 Q. -- then you would actually sign
7 that acknowledgement and send it back?

8 A. Yes.

9 Q. So then I guess it stems from that,
10 that the DHHR has received acknowledgement
11 forms from WVOT in the past?

12 A. Yes. From Avis. I know he signed
13 a few of them that we have done.

14 Q. Avis did?

15 A. Uh-huh.

16 Q. This might have been a conversation
17 I had in my head. I don't know if I asked
18 you this or not. We talked about how when
19 -- after you received -- after WVOT received
20 the litigation hold, which is Deposition
21 Exhibit Number 6, you began engaging in
22 pretty extensive mining or document
23 retrieval, correct?

24 A. Yes.

1 Q. Through that document retrieval,
2 would that trigger any action on WVOT's part
3 to preserve an email account if they are not
4 specifically asked to?

5 A. No. We don't make assumptions --
6 we try not to.

7 Q. And your analysts aren't lawyers,
8 they are not going to interpret this stuff
9 and figure out what needs to be held and not
10 held?

11 A. No. We are full nerds.

12 Q. Nothing wrong with that.

13 What type of training does your
14 office provide with regard to
15 deprovisioning, account security, things
16 along that line?

17 A. That's a broad question.

18 Q. Well, let me make it a little bit
19 easier for you. Does your office provide
20 training?

21 A. Yes.

22 Q. I have read your forms.

23 A. I mean, it is nice that somebody
24 has read them. Policy writing is

1 underappreciated.

2 (Exhibit 7 was marked.)

3 Q. Ms. Cox, I am going to hand you
4 what's been marked as Deposition Exhibit
5 Number 7.

6 A. Yes.

7 Q. I'd ask you to identify what this
8 document is.

9 A. This is an internal procedure for
10 our technicians.

11 Q. So this is a -- when you say
12 internal procedure for, you are talking
13 specifically for the West Virginia Office of
14 Technology?

15 A. Yeah. It is what our people do.
16 Oh, wait, I lied.

17 Q. Here, this might be part of your
18 confusion. Let me give you something else.

19 (Exhibit 8 was marked.)

20 Q. I've handed you what's been marked
21 as Deposition Exhibit Number 7 and Number 8.
22 Number 7 is a document received from your
23 office dated -- not dated -- but Bates
24 numbers 26 through 33. Deposition Exhibit

1 Number 8 is what I printed off through your
2 website.

3 A. Yes. So this is the -- eight is
4 the overall policy -- overarching policy.
5 And seven is the step by step, how do you
6 fill out the form -- a deprovision form and
7 all of those options that we have.

8 Q. Okay. Give me a little bit more
9 than that. What I am looking at here is two
10 documents, both titled Account Management,
11 both issued by CTO, both titled -- now, they
12 are different PR -- I mean, one is a PR and
13 one is a PO.

14 A. So it's policy -- policies,
15 procedure, process is how --

16 Q. So Deposition 8 is the overall
17 policy?

18 A. It's the policy. It's the
19 structure.

20 Q. Deposition 7 is the actual
21 procedure for implementing --

22 A. Yes.

23 Q. -- Deposition 8?

24 A. Correct.

1 Q. Perfect.

2 And if you look at Deposition
3 Exhibit 7, 3.13, all designated agency
4 contacts will receive training from the WVOT
5 regarding this procedure. It's on page 1,
6 right under 3.0 --

7 A. Yes.

8 Q. -- do you see it there?

9 Okay. A couple of questions there.
10 What is a designated agency contact?

11 A. That's the DAA.

12 Q. Okay. That's the DAA we talked
13 about?

14 A. Yeah.

15 Q. So for purposes of the
16 deprovisionings that we saw earlier, it
17 would have been Beth Jarrett?

18 A. Yes.

19 Q. So based upon this policy, somebody
20 at WVOT would have trained Ms. Jarrett on
21 how to complete that particular form?

22 A. Yes.

23 Q. As well as everything else
24 contained in this particular policy?

1 A. Yes.

2 Q. Now, if you look at Deposition
3 Exhibit Number 8 - okay - top of page 2,
4 3.6, that's in essence the same thing, just
5 worded differently, correct?

6 A. Yes.

7 Q. So the designated approval
8 authority - DAA - in this case is Beth
9 Jarrett?

10 A. Yes. One of them. They have a
11 list.

12 Q. How does that work? I understand
13 you can't have just one for all of DHHR.
14 But who was Ms. Jarrett the DAA for?

15 A. I would have to go check. But
16 given this, the cabinet secretary's office.

17 Q. And I guess that kind of answers my
18 question then. So you have a list of DAA's
19 that tells you which agencies or which
20 departments they are authorized for?

21 A. Yes.

22 Q. Okay.

23 A. It is a rather long list for DHHR.

24 Q. I would imagine.

1 Is anybody else designated as a DAA
2 for the cabinet secretary's office besides
3 Ms. Jarrett?

4 A. I do not know.

5 Q. You would have to look at the list?

6 A. Yeah.

7 Q. Is anyone in the general counsel's
8 office a DAA?

9 A. I don't know without looking at the
10 list. It's a big list.

11 Q. I appreciate that.

12 (Exhibit 9 was marked.)

13 Q. Ms. Cox, I've handed you what's
14 been marked as Deposition Exhibit Number 9.
15 If you could, explain to me what this
16 document is.

17 A. This is the policy on how we create
18 policies and procedures. Because -- yeah.

19 Q. Did you draft this policy?

20 A. I did. I drafted all of the OT
21 policies.

22 Q. Drafted or revised?

23 A. They didn't exist before I came to
24 work for the state.

1 Q. What year did you start?

2 A. These -- these specific ones --

3 Q. The reason why I am asking -- so a
4 lot of these have issue dates of like 2003,
5 2008.

6 A. They were a lot lighter.

7 Q. Understood.

8 A. Yeah. Let's just say they didn't
9 meet my standards.

10 Q. All right. If you look at the
11 first page of Depo Number 9 -- I think you
12 told me this was basically a policy of how
13 to create policies?

14 A. Yes.

15 Q. And consistent with that
16 representation, 3.3 talks about individual
17 agencies creating policies?

18 A. Yes.

19 Q. And if they create their own IT
20 policies, and they are required to submit
21 them to you for review, correct?

22 A. Correct.

23 Q. Does DHHR have their own IT
24 policies?

1 A. Some of them, yes.

2 Q. And do you know who does?

3 A. Who writes them?

4 Q. No. Who has them in DHHR, which
5 departments have their own IT policies?

6 A. They would be -- the ones that we
7 have seen that we know of have been issued
8 by MIS.

9 Q. Okay. So MIS --

10 A. MIS is IT for --

11 Q. DHHR?

12 A. Yeah. All of them. We don't have
13 any like individual IT groups out in the
14 field.

15 Q. Thank you.

16 So nobody other than -- under DHHR,
17 nobody but MIS would be creating internal
18 policies on IT?

19 A. On IT stuff, yeah.

20 Q. So MIS has created its own IT
21 policies for --

22 A. Yes.

23 Q. -- DHHR?

24 A. Yes.

1 Q. If you look at the bottom of that
2 page on 3.3.4, Each agency will designate an
3 individual who will be responsible for
4 reviewing all policies and procedures if
5 applicable with all newly transferred and
6 hired employees.

7 Do you know who that individual is
8 for DHHR?

9 A. No.

10 Q. Do you know who it is for MIS?

11 A. No.

12 Q. Shaun Charles, chief information
13 officer for MIS -- to your knowledge, is he
14 aware of how the deprovisioning works?

15 A. Yes.

16 Q. Is he aware of the 30-day
17 destruction policy?

18 A. I mean, he is now I guess. Yeah, I
19 don't know -- I have no idea.

20 Q. Well, I mean, the 30-day policy has
21 been in place for at least 20 years based
22 upon the documentation. It wasn't a secret,
23 correct?

24 A. No.

1 Q. And everybody in IT knew it, right?

2 A. Right. He has not been here that
3 long.

4 Q. How long has he been here, do you
5 know?

6 A. I think he has been here less than
7 four years. He came like right during COVID
8 -- I think right before this case actually.

9 Q. The training provided by WVOT,
10 would that include the 30-day destruction
11 policy?

12 A. Yes. He did Google training for
13 everybody in the Enterprise when we migrated
14 in 2022.

15 Q. We have talked about Deposition
16 Exhibit Number 6, the litigation hold in
17 2019. Do you recall in 2022 -- late '22,
18 early this year, receiving a request to
19 preserve Bill Crouch's email address from
20 DHHR?

21 A. We had one in October.

22 Q. You don't recall anything prior to
23 October?

24 A. No.

1 Q. Do you recall receiving a
2 litigation hold letter from DHHR in late '22
3 or early 2023? And when I say a litigation
4 hold, I am referring to something similar to
5 Deposition Exhibit Number 6.

6 A. You mean for this specific --

7 Q. Not for this -- not necessarily for
8 this case, just in general, but dealing with
9 Mr. Crouch?

10 A. I do not -- I don't recall.

11 (Exhibit 10 was marked.)

12 (A discussion was held off the
13 record.)

14 BY MR. WALTERS:

15 Q. Ms. Cox, I have handed you what's
16 been marked as Deposition Exhibit Number 10.

17 A. Yes.

18 Q. It is a letter dated December 20,
19 2022, from Disciplinary Rights West Virginia
20 to Jeffrey Coben. Have you seen this
21 document before?

22 A. No.

23 Q. No?

24 A. No.

1 Q. If you would, turn to the --
2 there's more on this than there should be.
3 Turn to page 8, the signature line at the
4 very end -- almost the very end. There is
5 an attachment on this thing. Probably
6 shouldn't be there.

7 A. Am I dumb? Oh, no. It's the one
8 that is already signed -- okay.

9 Q. Yes. Signature line.

10 A. Sorry.

11 Q. There you go. That's okay.

12 Below that signature there, there
13 is a handful of people that are cc'd on
14 this. And if you flip to the next page,
15 that list continues. So I wouldn't be
16 shocked if it wasn't there. I did my own
17 copying.

18 Nobody on those cc's -- well, is
19 anybody on those cc's in your office?

20 A. No.

21 Q. Do you recall whether or not in
22 December of 2022 anybody in your office
23 received this letter?

24 A. I don't recall, no.

1 Q. Do you know whether or not you
2 received a litigation hold request as a
3 result of this letter?

4 A. I don't recall.

5 Q. It's fair to say you did not
6 receive a request to preserve Bill Crouch's
7 email account prior to October of this year,
8 correct?

9 A. By technical standards, no.

10 Q. How many -- throughout the course
11 of the year, do you have a feel for how many
12 requests that you receive to preserve email
13 accounts?

14 A. For just email, before this year?

15 Q. Before this year.

16 A. About 30.

17 Q. About 30 a year?

18 A. Yeah. Rotating. Maintaining 30.
19 Some go in, some come out.

20 Q. So at any given time, you are
21 maintaining 30 email accounts?

22 A. Yeah.

23 Q. And I know when we looked at
24 Deposition Exhibit 1 and 2, the

1 deprovisioning documents, it didn't include
2 -- there's nothing on there that says, you
3 know, hold this account or anything along
4 that line?

5 A. Correct.

6 Q. But if the individual submitting
7 that email to your office wants you to hold
8 the account, it would be as simple as doing
9 a follow-up email to that saying hold the
10 account that we just deprovisioned?

11 A. They could do that, yeah.

12 Q. Picking up the phone and calling
13 you and asking you to?

14 A. If they wanted to, yes.

15 MR. WALTERS: Ms. Cox, let's
16 take a short break. I think I am about
17 done.

18 (Break in proceedings.)

19 MR. WALTERS: We have nothing
20 further. Thank you very much.

21 EXAMINATION

22 BY MS. BROWN:

23 Q. I have just a few quick follow-up
24 questions.

1 For the training of individuals at
2 the agency who have designated approval
3 authority that WVOT gives the training, are
4 there any written training materials?

5 A. No. They typically go through like
6 one-on-one with them in how to do the forms
7 and stuff.

8 Q. I just wanted to make sure. So is
9 there any sort of training checklists, I
10 covered these topics with the person being
11 trained?

12 A. No.

13 Q. Okay. Do you know whether the
14 30-day deletion of email accounts is part of
15 the training?

16 A. For the DAA?

17 Q. Yes.

18 A. No. I have no idea.

19 Q. And then just a few quick questions
20 about the document that the 12 -- the
21 December 2019 litigation hold document.

22 MR. WALTERS: Depo Number 6.

23 MS. BROWN: Number 6, yes.

24 Sorry.

1 Q. I think you testified that nothing
2 could be done based on this document from a
3 technical perspective; is that right?

4 A. Right.

5 Q. And there was a team meeting of
6 some sort at which this document was
7 reviewed and discussed; is that right?

8 A. Yeah.

9 Q. And to your knowledge, was there
10 any follow-up with Ms. Robertson or anyone
11 else at DHHR that the document was not
12 technically operation -- that there wasn't
13 anything that could be done from a technical
14 perspective based on this -- based on how it
15 was --

16 A. It was followed up with Charles --
17 Shaun Charles and -- did production. We
18 didn't -- the document didn't come back up
19 in those discussions, no.

20 Q. Okay. But I just -- as far as you
21 know, Chris Avis didn't say to Shaun Charles
22 or anyone else, I am not sure what you want
23 me to do with this document?

24 A. No. I don't have records of that.

1 MS. BROWN: Okay. That's it for
2 me.

3 RE-EXAMINATION

4 BY MR. WALTERS:

5 Q. The follow-up that you were just
6 referring to with Shaun Charles, was that a
7 follow-up to the hold -- I'm sorry --
8 follow-up to Deposition Number 6? Or was
9 that just the subsequent here are the
10 documents we need you to pull?

11 A. Say again.

12 Q. Sure.

13 The follow-up you were just
14 discussing with Shaun Charles --

15 A. Yeah.

16 Q. -- was that follow-up specifically
17 to the litigation hold letter of December 4,
18 2019? In other words, when you received
19 this, was there a conversation with Shaun
20 Charles, or was it -- well, let me stop
21 there. Was there a conversation as a result
22 of receiving this letter?

23 A. By itself, no. I don't believe so.
24 I think it was just a collection. Because

1 there was so many open investigations and
2 stuff, they sync on a regular basis. So it
3 is like, what are we doing, what do you need
4 us to do at this point. They have regular
5 calls like that.

6 Q. And then at some point after that,
7 you started getting the search terms and
8 pulling documents?

9 A. Yes.

10 MR. WALTERS: You are done.
11 Read?

12 MR. ROSS: Yes.

13 (Deposition concluded at 10:48 a.m.)

14 * * * * *

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CERTIFICATE

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I, Tara Arthur, Certified Stenotype
Reporter and Notary Public, do hereby
certify that the foregoing deposition of the
above-named witness, was duly taken by me in
machine shorthand, and that the same were
accurately written out in full and reduced
to computer transcription.

I further certify that I am neither
attorney or counsel for, nor related to or
employed by any of the parties to the action
in which this deposition is taken; and
furthermore, that I am not a relative or
employee of any attorney or counsel employed
by the parties hereto or financially
interested in the action.

My commission expires April 16, 2027.



Tara Arthur
Certified Court Reporter/Notary Public

Exhibits	83:11	20 27:6 41:7 58:3 85:21 87:18	26th 52:10	5
Cox 120823 E x 1 4:8 22:6,9 36:17 43:12 89:24	Cox 120823 E x 10 4:12 87:11,16	20,000 21:23 64:23	3	5 51:17,19 53:10 54:5
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